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11 E.H. and CYNTHIA MARTIN

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

E.H. and CYNTHIA MARTIN,  
Plaintiffs,  
vs.  
CALIFORNIA EXPOSITION & STATE FAIR,  
CALIFORNIA EXPOSITION & STATE FAIR  
POLICE DEPARTMENT, and DOE 1 to 10,  
Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF  
CIVIL AND CONSTITUTIONAL RIGHTS**  
**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

This action arises from a false arrest and use of excessive force by CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT officers against a minor, E.H., while the injured boy's mother, CYTHIA MARTIN, was denied access to her son, as he was detained by officers and coerced into signing a "trespass admonishment" that was not explained to him and which he did not understand.

**JURISDICTION & VENUE**

1. This Court has jurisdiction of the federal claims under 28 U.S.C. § 1331 (in that they arise under the United States Constitution) and 28 U.S.C. § 1343(a)(3) (in that the action is brought to address deprivations, under color of state authority, of rights, privileges, and immunities protected by the U.S. Constitution). This Court has supplemental jurisdiction of the state claims under 28 U.S.C. § 1337.

2. Venue is proper in the United States District Court for the Eastern District of California pursuant to 28 U.S.C. § 1331(b) because Defendants are located in the Eastern District of California and because many of the acts and/or omissions described herein occurred in the Eastern District of California.

3. Intra-district venue is proper in the Sacramento Division of the Eastern District of California pursuant to E.D. Cal. L.R. 120(d) because the claims asserted herein arise from acts and/or omissions which occurred in the County of Sacramento, California.

# EXHAUSTION

4. On July 29, 2022, E.H. and CYNTHIA MARTIN submitted a government claim to the State of California, CALIFORNIA EXPOSITION & STATE FAIR, and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT concerning the claims asserted in this action.

5. Within 45 days after the government claim was presented, CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT have failed or refused to act on the government claim. *See* Cal. Gov. Code § 912.4(c).

## **PARTIES**

6. Plaintiff E.H., a minor, is a resident of the State of California, County of Sacramento.

7. Plaintiff CYNTHIA MARTIN is a resident of the State of California, County of Sacramento.

8. Defendant CALIFORNIA EXPOSITION & STATE FAIR is a “public entity,” pursuant to Cal. Gov. Code § 811.2, located in the State of California, County of Sacramento.

9. Defendant CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT is a “public entity,” pursuant to Cal. Gov. Code § 811.2, located in the State of California, County of Sacramento.

10. Defendants DOE 1 to 10 are and/or were agents or employees of Defendants CALIFORNIA EXPOSITION & STATE FAIR and/or CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, acting within the scope of that agency or employment and under color of state law. Defendants DOE 1 to 10's true and correct names and identities are not currently known. Defendants DOE 1 to 10 are sued by their fictitious names and their true and correct names and identities will be substituted when ascertained.

## **GENERAL ALLEGATIONS**

12. On July 19, 2022, Plaintiff CYNTHIA MARTIN took her 11-year-old son, Plaintiff E.H., and several of his friends to Defendant CALIFORNIA EXPOSITION & STATE FAIR's fairgrounds, located at 1600 Exposition Boulevard, Sacramento, California 95815.

13. The fairgrounds were hosting a “Tuesday Kids Free Day.”

14. Plaintiff E.H. and his friends spent several hours at the fairgrounds enjoying games and rides, without issue.

15. Around 11:00 p.m., Plaintiff E.H. and his friends were waiting in line to ride a rollercoaster.

16. Plaintiff E.H. and his friends reached the front of the ride's line.

17. The gate which admitted riders onto the rollercoaster remained closed.

18. Plaintiff E.H. and his friends were engaged in banter and jockeying to determine who would sit in the first car at the front of the rollercoaster.

19. Plaintiff E.H. anticipated that the gate to the rollercoaster would open soon and was determined to sit in the first car at the front of the rollercoaster.

20. Plaintiff E.H. jumped over the gate to the rollercoaster, before the gate opened to admit riders from the line.

21. Plaintiff E.H. took a seat in the first car of the ride.

22. Plaintiff E.H. was approached by a ride operator who informed Plaintiff E.H. that he would not be permitted to ride and that he was required to exit the ride area.

23. Plaintiff E.H. complied with the operator's directive, exited the ride, and left the ride area.

24. Plaintiff E.H. waited outside of the ride area, while his friends rode the rollercoaster.

25. Plaintiff E.H. rejoined his friends, after the roller-coaster ride conclude.

26. Plaintiff E.H. and his friends had arranged to meet his mother, Plaintiff CYNTHIA MARTIN, near an exit from the fairgrounds.

27. Plaintiff E.H. and his friends walked towards the exit from the fairgrounds.

1       28. Plaintiff E.H. noticed that he was being followed by several of Defendant CALIFORNIA  
2 EXPOSITION & STATE FAIR POLICE DEPARTMENT's officers, Defendants DOE 1 to 10, as  
3 Plaintiff E.H. and his friends walked towards the exit from the fairgrounds.

4       29. Plaintiff E.H. became scared, as Defendants DOE 1 to 10 stalked him and his friends.

5       30. Plaintiff E.H. was an 11-year-old Black boy, approximately 5'3" tall and 100 lbs., on the  
6 date of the incident. Plaintiff E.H. feared the officers, given his knowledge that many Black boys and  
7 men are frequently assaulted and killed by law enforcement, without justification.

8       31. Plaintiff E.H. began to run away from Defendants DOE 1 to 10.

9       32. Defendants DOE 1 to 10 chased Plaintiff E.H. and caught-up to Plaintiff E.H.

10      33. Defendants DOE 1 to 10 grabbed hold of Plaintiff E.H. and tackled him to the asphalt-  
11 paved ground.

12      34. Plaintiff E.H. was able to escape Defendants DOE 1 to 10's grasp on the ground.

13      35. Plaintiff E.H. got up from the ground and continued to run towards the exit from the  
14 fairgrounds. Plaintiff E.H. intended to reach the exit, where he anticipated he would be safe and that his  
15 mother, Plaintiff CYNTHIA MARTIN, would be waiting for him.

16      36. Defendants DOE 1 to 10 continued to chase Plaintiff E.H.

17      37. Defendants DOE 1 to 10 again caught-up to Plaintiff E.H., near an exit from the  
18 fairgrounds.

19      38. Defendants DOE 1 to 10 again grabbed hold of Plaintiff E.H and tackled him to the  
20 ground.

21      39. Defendants DOE 1 to 10 tackled Plaintiff E.H. into a gate, which caused a deep cut into  
22 Plaintiff E.H.'s right forearm.

23      40. Plaintiff E.H. also sustained scrapes and bruises on his right arm and left hip from being  
24 tackled to the ground by Defendants DOE 1 to 10.

25      41. Defendants DOE 1 to 10 pinned Plaintiff E.H. to the ground with their knees.

26      42. Defendants DOE 1 to 10 choked and scratched Plaintiff E.H. with their hands.

27      43. Plaintiff E.H. was terrified, as Defendants DOE 1 to 10 assaulted him.

28      44. Defendants DOE 1 to 10's assault on Plaintiff E.H. violated Defendant CALIFORNIA

1 EXPOSITION & STATE FAIR POLICE DEPARTMENT General Order No. 200.100 (“Use of Force”).

2 45. Patrons and witnesses in and around the area were outraged and began verbally to protest  
3 Defendants DOE 1 to 10’s assault on a child.

4 46. Plaintiff CYNTHIA MARTIN arrived at the scene and witnessed Defendants DOE 1 to 10  
5 assaulting her child, Plaintiff E.H.

6 47. Plaintiff CYNTHIA MARTIN informed Defendants DOE 1 to 10 that she was Plaintiff  
7 E.H.’s mother and asked what had occurred to cause the assault on her child.

8 48. Defendants DOE 1 to 10 ignored Plaintiff CYNTHIA MARTIN.

9 49. Defendants DOE 1 to 10 lifted Plaintiff E.H. off of the ground, by grabbing him around  
10 the neck, with his arms held behind his back, as an arrestee.

11 50. Defendants DOE 1 to 10 dragged Plaintiff E.H. to a nearby bench.

12 51. Plaintiff E.H. was visibly injured and upset.

13 52. Plaintiff CYNTHIA MARTIN asked Defendants DOE 1 to 10 to permit her to help her  
14 injured child.

15 53. Defendants DOE 1 to 10 refused to permit Plaintiff CYNTHIA MARTIN near Plaintiff  
16 E.H., physically blocked Plaintiff CYNTHIA MARTIN’s access to Plaintiff E.H., and accused Plaintiff  
17 CYNTHIA MARTIN of “interfering.”

18 54. Defendants DOE 1 to 10 dragged Plaintiff E.H. from the bench to a security area and into  
19 a security trailer.

20 55. Plaintiff CYNTHIA MARTIN followed behind Defendants DOE 1 to 10, as they dragged  
21 Plaintiff E.H. to the security area.

22 56. Defendants DOE 1 to 10 physically blocked Plaintiff CYNTHIA MARTIN’s access to the  
23 security area and security trailer in which Plaintiff E.H. was confined.

24 57. Plaintiff CYNTHIA MARTIN asked to be present with her injured child inside of the  
25 security trailer.

26 58. Defendants DOE 1 to 10 refused to admit Plaintiff CYNTHIA MARTIN.

27 59. Defendants DOE 1 to 10 took photos of Plaintiff E.H.’s injuries, inside of the security  
28 trailer.

1       60. One of Defendants DOE 1 to 10 told Plaintiff E.H. that he was “sorry.”

2       61. Defendant DOE 1 subject Plaintiff E.H. to a custodial interrogation, without Defendant  
3 DOE 1 providing a *Miranda* warning or obtaining the waiver of any *Miranda* rights, and without  
4 permitting Plaintiff E.H. to consult with legal counsel, in violation of Cal. Welf. & Inst. Code § 625.6(a).

5       62. Defendant DOE 1 obtained Plaintiff E.H.’s personal information and used it to fill-out a  
6 form.

7       63. Defendant DOE 1 presented the filled-in form to Plaintiff E.H., which was a “Trespass  
8 Admonishment” (CESFP 19) form.

9       64. Defendant DOE 1’s form identified that Plaintiff E.H. had violated “Code of Conduct:  
10 Jumping Fences.”

11       65. Defendant DOE 1 demanded that Plaintiff E.H. sign the form.

12       66. Plaintiff E.H. asked Defendant DOE 1 what would happen if he refused to sign the form.

13       67. Defendant DOE 1 responded: “Sign this form, or you will be arrested for trespassing.”

14       68. Plaintiff E.H. was intimidated and coerced into signing the form, the contents of which he  
15 did not understand and were not explained to him.

16       69. The form was also signed as “advised” and “reviewed” by “Lt. J. Long,” Badge No. “L-  
17 1.”

18       70. Defendants DOE 1 to 10’s arrest and detention of Plaintiff E.H. violated Defendant  
19 CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT General Order No. 2100.200  
20 (“Juvenile Detention Policy”).

21       71. Plaintiff E.H. was eventually released from custody and permitted to leave the security  
22 trailer.

23       72. Plaintiff E.H. was then permitted access to his mother, Plaintiff CYNTHIA MARTIN.

24       73. Plaintiff CYNTHIA MARTIN took Plaintiff E.H. to the Kaiser Permanente South  
25 Sacramento Medical Center for medical treatment and therapy, following the incident.

26       74. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
27 EXPOSITION & STATE FAIR POLICE DEPARTMENT issued a press release, through media relations  
28 employee Darla Givens, stating: “We are disappointed about the situation that happened at 11:30 p.m. on

1 Tuesday, July 19. A child, unattended by a parent or guardian, was demonstrating dangerous behavior  
2 that put himself and others at risk of severe physical harm, specifically climbing over a safety fence and  
3 almost being hit by a roller coaster ride. . . After a short chase, the boy was detained by Cal Expo Police  
4 and a small cut was addressed with a Band-Aid. After short questioning and agreement by him not to  
5 return to the fair, the minor was released to his mother without arrest. . . [The officers] followed all  
6 proper policies to quell the situation and keep the minor safe.”

7 75. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
8 EXPOSITION & STATE FAIR POLICE DEPARTMENT issued the press release with knowledge that  
9 it was false. On information and belief: Defendants CALIFORNIA EXPOSITION & STATE FAIR and  
10 CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT had access to video-  
11 recordings of Defendants DOE 1 to 10's assault on Plaintiff E.H., which demonstrated the use of  
12 excessive force and policy violations by Defendants DOE 1 to 10.

13       76. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
14 EXPOSITION & STATE FAIR POLICE DEPARTMENT made a conscious and affirmative choice to  
15 approve Defendants DOE 1 to 10's actions against Plaintiffs E.H. and CYNTHIA MARTIN.

## **FIRST CLAIM**

## **False Arrest**

**(U.S. Const. Amend. IV; 42 U.S.C. § 1983)**

19       77. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION &  
20 STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to  
21 10.

22        78. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
23 extent relevant and as if fully set forth in this Claim.

24       79. Defendants DOE 1 to 10 falsely arrested Plaintiff E.H., without a warrant and without  
25 probable cause, in violation of the Fourth Amendment (as incorporated through the Fourteenth  
26 Amendment) to the U.S. Constitution.

27       80. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
28 EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to

1 10's unlawful action against Plaintiff E.H., in violation of the Fourth Amendment (as incorporated  
2 through the Fourteenth Amendment) to the U.S. Constitution.

3 81. Defendants DOE 1 to 10's actions and inactions were motivated by evil motive or intent,  
4 involved reckless or callous indifference to constitutional rights, or were wantonly or oppressively done.

5 82. Plaintiff E.H. was injured as a direct and proximate result of Defendants CALIFORNIA  
6 EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE  
7 DEPARTMENT, and DOE 1 to 10's actions and inactions, entitling him to receive compensatory  
8 damages against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA  
9 EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages  
10 against Defendants DOE 1 to 10.

11 WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

12 **SECOND CLAIM**

13 **Excessive Force**

14 **(U.S. Const. Amend. IV; 42 U.S.C. § 1983)**

15 83. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION &  
16 STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to  
17 10.

18 84. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
19 extent relevant and as if fully set forth in this Claim.

20 85. Defendants DOE 1 to 10 used unreasonable and excessive force against Plaintiff E.H., in  
21 violation of the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S.  
22 Constitution.

23 86. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
24 EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to  
25 10's unlawful action against Plaintiff E.H., in violation of the Fourth Amendment (as incorporated  
26 through the Fourteenth Amendment) to the U.S. Constitution.

27 87. Defendants DOE 1 to 10's actions and inactions were motivated by evil motive or intent,  
28 involved reckless or callous indifference to constitutional rights, or were wantonly or oppressively done.

1       88. Defendants DOE 1 to 10's actions and inactions were motivated by evil motive or intent,  
2 involved reckless or callous indifference to constitutional rights, or were wantonly or oppressively done.

3       89. Plaintiff E.H. was injured as a direct and proximate result of Defendants CALIFORNIA  
4 EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE  
5 DEPARTMENT, and DOE 1 to 10's actions and inactions, entitling him to receive compensatory  
6 damages against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA  
7 EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages  
8 against Defendants DOE 1 to 10.

WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

### **THIRD CLAIM**

## **False Arrest**

(Cal. Const. Art. I § 13)

13       90. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION &  
14 STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to  
15 10.

16        91. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
17 extent relevant and as if fully set forth in this Claim.

18        92. Defendants DOE 1 to 10 falsely arrested Plaintiff E.H., without a warrant and without  
19 probable cause, in violation of Article I, Section 13 of the California Constitution.

20        93. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
21 EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to  
22 10's unlawful action against Plaintiff E.H., in violation of Article I, Section 13 of the California  
23 Constitution.

24        94. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
25 EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles  
26 of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts  
27 and omissions of their agents and employees acting within the scope of their employment, including  
28 Defendants DOE 1 to 10.

95. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

96. Plaintiff E.H. was injured as a direct and proximate result of Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10's actions and inactions, entitling him to receive compensatory damages against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

## **FOURTH CLAIM**

## **Excessive Force**

(Cal. Const. Art. I § 13)

97. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10.

98. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

99. Defendants DOE 1 to 10 used unreasonable and excessive force against Plaintiff E.H., in violation of Article I, Section 13 of the California Constitution.

100. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to 10's unlawful action against Plaintiff E.H., in violation of Article I, Section 13 of the California Constitution.

101. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts and omissions of their agents and employees acting within the scope of their employment, including Defendants DOE 1 to 10.

102. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

103. Plaintiff E.H. was injured as a direct and proximate result of Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10's actions and inactions, entitling him to receive compensatory damages against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

## **FIFTH CLAIM**

## **Tom Bane Civil Rights Act**

(Cal. Civ. Code § 52.1)

104. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10.

105. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

## False Arrest

106. Defendants DOE 1 to 10 falsely arrested Plaintiff E.H., without a warrant and without probable cause, with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive him of rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S. Constitution and Article I, Section 13 of the California Constitution.

107. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to 10's unlawful action against Plaintiff E.H., with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive him of rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S. Constitution and Article I, Section 13 of the California Constitution

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## Excessive Force

108. Defendants DOE 1 to 10 used unreasonable and excessive force against Plaintiff E.H., with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive him of rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S. Constitution and Article I, Section 13 of the California Constitution.

109. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT ratified and adopted Defendants DOE 1 to 10's unlawful action against Plaintiff E.H., with specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive him of rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S. Constitution and Article I, Section 13 of the California Constitution.

## Common Allegations

110. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts and omissions of their agents and employees acting within the scope of their employment, including Defendants DOE 1 to 10.

111. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

112. Plaintiff E.H. was injured as a direct and proximate result of Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10's actions and inactions, entitling him to receive compensatory and treble damages and civil penalties against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

## **SIXTH CLAIM**

## **False Arrest / Imprisonment**

113. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION &

1 STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to  
2 10.

3 114. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
4 extent relevant and as if fully set forth in this Claim.

5 115. Defendants DOE 1 to 10 falsely arrested / imprisoned Plaintiff E.H., without a warrant  
6 and without probable cause.

7 116. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
8 EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles  
9 of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts  
10 and omissions of their agents and employees acting within the scope of their employment, including  
11 Defendants DOE 1 to 10.

12 117. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or  
13 malice resulting in great harm.

14 118. Plaintiff E.H. was injured as a direct and proximate result of Defendants DOE 1 to 10's  
15 actions and inactions, entitling him to receive compensatory damages against Defendants CALIFORNIA  
16 EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE  
17 DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

18 WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

19 **SEVENTH CLAIM**

20 **Assault / Battery**

21 119. Plaintiff E.H. asserts this Claim against Defendants CALIFORNIA EXPOSITION &  
22 STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to  
23 10.

24 120. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
25 extent relevant and as if fully set forth in this Claim.

26 121. Defendants DOE 1 to 10 used unreasonable and excessive force against Plaintiff E.H.

27 122. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
28 EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles

1 of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts  
2 and omissions of their agents and employees acting within the scope of their employment, including  
3 Defendants DOE 1 to 10.

4 123. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or  
5 malice resulting in great harm.

6 124. Plaintiff E.H. was injured as a direct and proximate result of Defendants DOE 1 to 10's  
7 actions and inactions, entitling him to receive compensatory damages against Defendants CALIFORNIA  
8 EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE  
9 DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

10 WHEREFORE, Plaintiff E.H. prays for relief as hereunder appears.

11 **EIGHTH CLAIM**

12 **Intentional Infliction of Emotional Distress**

13 125. Plaintiffs E.H. and CYNTHIA MARTIN assert this Claim against Defendants  
14 CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR  
15 POLICE DEPARTMENT, and DOE 1 to 10.

16 126. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the  
17 extent relevant and as if fully set forth in this Claim.

18 127. Defendants DOE 1 to 10 engaged in outrageous conduct against Plaintiff E.H. which  
19 caused severe emotional distress, including: (1) false arrest / imprisonment; (2) use of unreasonable and  
20 excessive force; (3) denial of access to an available parent, Plaintiff CYNTHIA MARTIN; (4) violations  
21 of Cal. Welf. & Inst. Code § 625.6(a); and (5) threats of being taken to jail, unless an unexplained  
22 "trespass admonishment" form was signed.

23 128. Defendants DOE 1 to 10 engaged in outrageous conduct against Plaintiff CYNTHIA  
24 MARTIN which caused severe emotional distress, including denial of access to her injured and detained  
25 minor son, Plaintiff E.H.

26 129. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
27 EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles  
28 of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts

and omissions of their agents and employees acting within the scope of their employment, including Defendants DOE 1 to 10.

130. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

131. Plaintiffs E.H. and CYNTHIA MARTIN were injured as a direct and proximate result of Defendants DOE 1 to 10's actions and inactions, entitling them to receive compensatory damages against Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to 10.

WHEREFORE, Plaintiffs E.H. and CYNTHIA MARTIN pray for relief as hereunder appears.

## **NINTH CLAIM**

## Negligence

132. Plaintiffs E.H. and CYNTHIA MARTIN assert this Claim against Defendants  
CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE FAIR  
POLICE DEPARTMENT, and DOE 1 to 10.

133. The allegations of the preceding paragraphs 1 to 76 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

134. Defendants DOE 1 to 10 owed Plaintiff E.H. a duty of care and breached that duty, including by engaging in: (1) false arrest / imprisonment; (2) use of unreasonable and excessive force; (3) denial of access to an available parent, Plaintiff CYNTHIA MARTIN; (4) violations of Cal. Welf. & Inst. Code § 625.6(a); and (5) threats of being taken to jail, unless an unexplained “trespass admonishment” form was signed.

135. Defendants DOE 1 to 10 owed Plaintiff CYNTHIA MARTIN a duty of care and breached that duty, including by engaging in denial of access to her injured and detained minor son, Plaintiff E.H.

136. Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
EXPOSITION & STATE FAIR POLICE DEPARTMENT are vicariously liable, through the principles  
of *respondeat superior* pursuant to Cal. Gov. Code § 815.2(a), for injuries proximately caused by the acts  
and omissions of their agents and employees acting within the scope of their employment, including

1 Defendants DOE 1 to 10.

2       137. Defendants DOE 1 to 10's actions and inactions constituted oppression, fraud, and/or  
3 malice resulting in great harm.

4       138. Plaintiffs E.H. and CYNTHIA MARTIN were injured as a direct and proximate result of  
5 Defendants DOE 1 to 10's actions and inactions, entitling them to receive compensatory damages against  
6 Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE  
7 FAIR POLICE DEPARTMENT, and DOE 1 to 10; and punitive damages against Defendants DOE 1 to  
8 10.

9           WHEREFORE, Plaintiffs E.H. and CYNTHIA MARTIN pray for relief as hereunder appears.

10           **PRAAYER FOR RELIEF**

11           WHEREFORE, Plaintiffs E.H. and CYNTHIA MARTIN seek Judgment as follows:

12       1. For an award of compensatory, general, special, and/or nominal damages against  
13 Defendants CALIFORNIA EXPOSITION & STATE FAIR, CALIFORNIA EXPOSITION & STATE  
14 FAIR POLICE DEPARTMENT, and DOE 1 to 10, in excess of \$1,000,000, according to proof at trial;

15       2. For an award of exemplary/punitive damages against Defendants DOE 1 to 10, in an  
16 amount sufficient to deter and to make an example of them, because their actions and/or inactions were  
17 motivated by evil motive or intent, involved reckless or callous indifference to constitutional and  
18 statutory rights, or were wantonly or oppressively done; and/or constituted oppression, fraud, or malice  
19 resulting in great harm;

20       3. For an award of actual damages, treble damages, punitive damages, civil penalties, and  
21 any other available relief against Defendants CALIFORNIA EXPOSITION & STATE FAIR,  
22 CALIFORNIA EXPOSITION & STATE FAIR POLICE DEPARTMENT, and DOE 1 to 10, pursuant to  
23 Cal. Civ. Code §§ 52, 52.1, and any other statute as may be applicable (except that punitive damages are  
24 not sought against Defendants CALIFORNIA EXPOSITION & STATE FAIR and CALIFORNIA  
25 EXPOSITION & STATE FAIR POLICE DEPARTMENT, pursuant to Cal. Civ. Code § 818);

26       4. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, Cal.  
27 Civ. Code § 52.1, Cal. Code Civ. Proc. § 1021.5, and any other statute as may be applicable; and

28       5. For an award of any other further relief, as the Court deems fair, just, and equitable.

1 Dated: October 18, 2022

Respectfully Submitted,



2 By: \_\_\_\_\_  
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4  
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11 Attorneys for Plaintiffs  
12 E.H. and CYNTHIA MARTIN  
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**JURY TRIAL DEMAND**

**A JURY TRIAL IS DEMANDED** on behalf of Plaintiffs E.H. and CYNTHIA MARTIN.

Dated: October 18, 2022

Respectfully Submitted,

By: \_\_\_\_\_  
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